

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
ROBERT HOLMES, )  
Plaintiff, )  
vs. )  
MAERSK A/S, Co., )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NUMBER: 2020-CP-10-4775

PROOF OF SERVICE



The attached Domestic Return Receipt represents Proof of Service of the Summons and Complaint upon Defendant in the above captioned action on November 5, 2020.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <b>X</b> <i>Lisa Culler</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>		
<p>1. Article Addressed to:  <b>CT Corp System as  registered agent for  maersk A/S Co.  2 office Park Ct. Ste 103  Columbia SC 29223</b></p>	<p>B. Received by (Printed Name) <i>Lisa Culler</i> C. Date of Delivery <i>11.5.20</i></p>		
<p>2. Article Number (Transfer from service label)  <b>70993400 00050585 5808</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>		
<p>9590 9402 4886 9032 4569 82</p>	<p>3. Service Type</p> <table border="0"> <tr> <td> <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </td> <td> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NUMBER: 2020-CP-10-
	)	
ROBERT HOLMES,	)	
	)	
Plaintiff,	)	<b>SUMMONS</b>
	)	
vs.	)	
	)	
MAERSK A/S, Co.,	)	
	)	
Defendant.	)	
_____	)	

**TO: THE DEFENDANT ABOVE-NAMED:**

**YOU ARE HEREBY SUMMONED** and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to said Complaint on the subscribed at the law office at 147 Wappoo Creek Drive, Suite 202, Charleston, South Carolina 29412, within thirty (30) days after the service hereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint, including the rendering of judgment by default against you.

If the within pleadings were served upon you by certified mail, then in that event, a copy of your Answer to said Complaint shall be received by said attorney within thirty-five (35) days after the service thereof, exclusive of the day of such service, as provided by Rule 6, of the South Carolina Rules of Civil Procedure.

**YOU ARE HEREBY GIVEN FURTHER NOTICE** that if you fail to answer, appear or defend said Complaint required by this Summons within said time allowed under Rule 6, of the South Carolina Rules of Civil Procedure, judgment by default will be rendered against you for the relief demanded in said Complaint.

QUERY SAUTTER & ASSOCIATES, LLC

/s/ Michael H. Ellis

---

Michael Ellis, 101524  
mellis@qlawsc.com  
147 Wappoo Creek Drive, Suite 202  
Charleston, South Carolina 29412  
Telephone: 843.795.9500  
Facsimile: 843.762.1500

Date:10/29/20  
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NUMBER: 2020-CP-10-
	)	
ROBERT HOLMES,	)	
	)	
Plaintiff,	)	<b>COMPLAINT</b>
	)	
vs.	)	
	)	
MAERSK A/S, Co.,	)	
	)	
Defendant.	)	
_____	)	

NOW COMES Plaintiff, Robert Holmes, by and through his undersigned counsel, complaining of the above-named Defendant as follows:

#### **Parties and Jurisdiction**

1. Plaintiff is a resident of Charleston County, South Carolina.
2. Defendant Maersk A/S, Co. (hereinafter "Maersk") is a foreign corporation regularly conducting business in Charleston County, South Carolina.
3. All transactions and occurrences giving rise to this action occurred in Charleston County, South Carolina.
4. This Court has jurisdiction over the parties and subject matter and venue is proper.

#### **Facts**

5. Plaintiff is a longshoreman at the Wando Terminal in Charleston Harbor, South Carolina.
6. Plaintiff is a refrigerator mechanic whose job duties require the maintenance and inspection of refrigerated containers coming in and out of Charleston Harbor.
7. On the morning of October 30, 2017, Plaintiff was required to enter the hold of the MSC Kingston to access a refrigerated container.

8. The MSC Kingston is a vessel that was chartered by Defendant Maersk on October 30, 2017.
9. While within the holds of the MSC Kingston, Plaintiff began to feel lightheaded and short of breath.
10. Plaintiff immediately began to exit the hold and feared that he would pass out prior to making it to the deck.
11. Plaintiff was ambulated to the hospital having suffered chemical burns to his lungs.
12. It was subsequently discovered that Defendant improperly stored materials within the hold of the ship that resulted in a build up of caustic fumes that caused Plaintiff's injuries.
13. Based upon information and belief, the improperly stored materials were cured cow hides.
14. Plaintiff has endured medical treatment for his physical injuries and psychiatric treatment for his resulting phobia and/or post-traumatic stress disorder that prevents him from performing his ship board work duties.
15. Plaintiff has suffered lost wages, pain and suffering, medical bills, and emotional distress.

**For A First Cause of Action**  
(Negligence/Gross Negligence/Recklessness)

16. Plaintiff reiterates paragraphs 1-15 above as if stated forth here in verbatim.
17. As the charterer of the boat, Defendant owed to Plaintiff a duty to operate the boat in a safe and reasonable manner including but not limited to the proper storage of the materials being shipped.
18. Defendant breached that duty by operating the boat in a manner that resulted in Plaintiff being exposed to the accumulation of caustic fumes within the hold resulting in physical and mental injuries.

19. Defendant's actions evidence a willful and wanton disregard of human health and safety and a conscious disregard of due care.
20. As a result of Defendant's Negligence/Gross Negligence/Recklessness, Plaintiff has suffered damages including but not limited to medical bills, lost wages, pain and suffering, and loss of enjoyment of life.
21. Plaintiff is entitled to punitive damages.

**WHEREFORE**, Plaintiff prays for the following relief:

- (a) That the Plaintiff be awarded an appropriate sum to compensate for his injuries and damages;
- (b) That the Plaintiff be awarded reasonable attorneys' fees and litigation expenses; and
- (c) Judgment be entered in favor of Plaintiff and against Defendants;
- (d) All costs of Court be cast upon Defendants; and
- (e) Plaintiffs be awarded such other and further relief as this Court deems just, proper, and equitable.

QUERY SAUTTER & ASSOCIATES, LLC

/s/ Michael H. Ellis

---

Michael Ellis, 101524  
mellis@qlawsc.com  
147 Wappoo Creek Drive, Suite 202  
Charleston, South Carolina 29412  
Telephone: 843.795.9500  
Facsimile: 843.762.1500

Date: 10/29/20  
Charleston, South Carolina